Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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C O N F I D E N T I A L STATE 143416

C O R R E C T E D C O P Y (TEXT LINES 7, 8 & 9 PARA 12
OMMITTED)
FOLLOWING REPEAT GRENADA 0053 SENT ACTION SECSTATE 19 JUN 77

QUOTE C O N F I D E N T I A L GRENADA 0053

DEPT PLEASE PASS TO ALL AMREPS

FROM USDEL OASGA

USOAS DEL 38

E.O. 11652: N/A
TAGS: PORT, OAS, SHUM
SUBJ: OASGA COMMITTEE SESSIONS, JUNE 18, 1977

SUMMARY:

1. AFTERNOON SESSION COMMITTEE I LISTENED TO TWO-HOUR LONG ATTACKS ON INTER-AMERICAN HUMAN RIGHTS COMMISION (IAHRC) AND US POLICY ON HUMAN RIGHTS FROM URUGUAYAN DELATION LEADER AMB ALVARO ALVAREZ. CHILEAN REP MIGUEL SCHWEITZER FOLLOWED WITH SIMILAR, ALBEIT LESS VITUPEROUS, COMMENTARY OF FURTHER CONFIDENTIAL

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HALF HOUR. IAHRC CHAIRMAN AGUILAR ABLY DEFENDED COMMISSION, SAYING IF GOVERNMENTS DEVOTED THE EFFORT ALVAREZ HAD APPLIED TO ANALYZING PROCEDURAL PROBLEMS TO ANALYZE SUBSTANCE OF HUMAN RIGHTS PROBLEMS, COMMISSION WOULD HAVE LITTLE WORK TO DO. MEXICAN AMB DE LA COLINA CONGRATULATED IAHRC ON ITS WORK AND SUPPORTED AGUILAR'S VIEW IAHRC COULD NOT BE ASKED TO DEAL WITH SUBJECT OF TERRORISM. GENERAL COMMITTEE APPROVED BY ACCLAMATION BOLIVIA'S INVITATION TO MAKE LA PAZ SITE FOR 8TH GA. BOLIVIA PROMISED TO PAY ALL COSTS OVER AND ABOVE THOSE OF HOLDING

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GA IN WASHINGTON. GRENADA TRIED TO DELAY END OF
CONFERENCE BY DECLARING SATURDAY AFTERNOON HOLIDAY.
COMMITTEE II ADOPTED RESOLUTION ON US TRADE ACT THAT
MET OUR REQUIREMENTS. END SUMMARY.

2. COMMITTEE I CONVENED AT 3:30 PM, DESPITE GRENADA'S
WITHDRAWAL OF LOCAL STAFF FROM OAS SUPPORT. WASHINGTON-
BASED SECRETARIAT STAFF WENT ON 12 HOUR SHIFTS UNTIL
MONDAY TO FILL GAP IN DOCUMENT PREPARATION, REPRODUCTION,
ETC.

3. URUGUAYAN AMBASSADOR ALVAREZ TOOK FLOOR IMMEDIATELY TO
MOUNT TWO HOUR DIATRIBE AGAINST INTER-AMERICAN HUMAN RIGHTS
COMMISSION AND US POLICY ON HUMAN RIGHTS. HE OBJECTED
STRENOUSLY TO IAHRC REPORT ON STATUS OF HUMAN RIGHTS IN
URUGUAY, REPORT WHICH HAS NOT YET BEEN RELEASED TO OTHER
GOVERNMENTS, PENDING COMMENTS OF URUGUAY. HIS DISCOURSE
COVERED VIRTUALLY ALL POSSIBLE ARGUMENTS, AMONG THEM:

--IAHRC REPORTS SHOULD NOT BE PREPARED BY OUTSIDE
CONSULTANTS (AS WAS REPORT ON URUGUAY).

--HUMAN RIGHTS AND TERRORISM MUST BE CONSIDERED JOINTLY;
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SUBVERSION AND TERRORISM SPREADING DAILY AND MUST BE DEALT
WITH COURAGEOUSLY.

--HUMAN RIGHTS ISSUE HAS BECOMEEVEN MORE POLITICAL SINCE
SANTIAGO GA LAST YEAR. URUGUAY IS BEING SUBJECTED
TO A NEW WAVE OF CRITICISM ESPECIALLY IN USA. ACTIONS OF MANY
MEMBER STATES NOT BASED ON COMITY OR INTERNATIONAL LAW BUT
ON POLITICAL CONSIDERATIONS.

--URUGUAY OBJECTS TO INTERVENTION IN AFFAIRS OF
SOVEREIGN STATES BY US AND IAHRC, WHICH ARE TRYING TO
SET THEMSELVES UP AS BOTH JUDGE AND JURY IN CONDEMMING
URUGUAY. HE ATTACKED US CONGRESSIONAL ACTION CUTTING OFF
MILITARY ASSISTANCE WITHOUT HEARING URUGUAY'S CASE IN
US SENATE; HE SAID CUTOFF OF AID VIOLATED PRINCIPLE OF
NON-INTERVENTION.

--PROPOSED SETTING UP PROCEDUREAL STANDARDS AND SAFE-
GUARDS TO REGULATE WORK OF IAHRC MORE CLOSELY. HE ACCUSED
COMMISSION OF NUMEROUS PROCEDURAL ERRORS.

4. CHILEAN DELEGATE SPOKE NEXT, AND LIKE URUGUAYAN, ASKED
FOR FORMAL PROCEDURES TO GOVERN WORKS OF IAHRC. HE REITERATED
CHILE'S PROPOSALS AT LAST YEAR'S GA CALLING FOR MEANS TO
"PROMOTE COOPERATION" BETWEEN MEMBER STATES AND THE IAHRC
AND HE PROPOSED A SPECIAL COMMITTEE OF MEMBER STATES TO
OVERSEE COMMISSION'S WORK. THIS COMMITTEE WOULD DECIDE

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ON COUNTRIES TO BE VISITED AND WHAT SORT OF INFORMATION
WOULD BE RELEASED TO THE PRESS. CHILEAN ALSO ATTACKED
IAHRC FOR USING OUTSIDE CONSULTANTS TO PREPARE REPORTS,
FOR REFUSING TO DIVULGE NAMES OF INFORMANTS, AND FOR
NOT INCLUDING IN IAHRC REPORT ON CHILE ALL DOCUMENTS
CHILEAN GOVERNMENT HAD PREPARED IN RESPONSE.

5. IAHRC CHAIRMAN AGUILAR FOLLOWED WITH CLARIFICATION
OF STATEMENT HE HAD MADE DAY BEFORE. HE NOTED THAT,
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EVEN THOUGH THE FUNDAMENTAL PROBLEM WAS THE PROTECTION
OF HUMAN RIGHTS, ANYONE LISTENING TO THE PREVIOUS
DISCUSSION WOULD HAVE THOUGHT THE PROBLEM WAS MERELY
PROCEDURAL. HE COMMENTED THAT WHAT HAD BEGUN AS FRIENDLY
GESTURE BY THE IAHRC -- TO INFORM THE GOU OF ITS DECISION
TO REQUEST AUTHORITY TO CARRY OUT ON-SITE INVESTIGATION --
HAD TURNED INTO A BOOMERANG. AGUILAR ASKED ALVAREZ IF
THE GOU'S ANSWER WOULD HAVE BEEN DIFFERENCT IF THE IAHRC
HAD MADE A FORMAL REQUEST AND WHETHER THE GOU WAS WILLING
TO GRANT THE AUTHORITY BEING REQUESTED.

6. AGUILAR THEN TURNED TO THE QUESTION OF TERRORISM AND
ASKED HOW THE IAHRC COULD POSSIBLY STUDY THIS SUBJECT
WITHIN ITS EXISTING STATUE. WAS THE IAHRC TO GO TO
TERRORIST ORGANIZATIONS FOR INFORMATION--PLACING THEM
ON SAME FOOTING AS STATES? AGUILAR SAID HE COULD NOT SEE
HOW AN INTERNATIONAL AGENCY COULD OPERATE IN THIS AREA
AS IT WAS THE INDIVIDUAL STATES THEMSELVES WHICH HAD THE
RIGHT AND DUTY TO PUNISH CRIMINALS SUCH AS TERRORISTS.

7. AGUILAR FINISHED BY ANSWERING ALVAREZ'S SUGGESTIONS
OF IMPROPRIETY IN THE CONTRACING OF OUTSIDERS AS LEGAL
ADVISERS TO HELP PREPARE IAHRC REPORTS. HE COMMENTED THAT
IF THE SAME RIGOR WHICH ALVAREZ HAD APPLIED TO ANALYZING
PROCEDURAL PROBLEMS HAD BEEN DEVOTED GOVERNMENTS TO
SUBSTANTIVE HUMAN RIGHTS PROBLEMS, THE COMMISSION
WOULD HAVE LITTLE WORK TO DO. NO ONE WOULD BE SUMMARILY
EXECUTED OR TORTURED.

8. MEXICAN AMBASSADOR DE LA COLINA TOOK THE FLOOR NEXT TO
CONGRATULATE THE IAHRC FOR ITS VALUABLE WORK -- NOTWITHSTANDING
SOME MINOR PROCEDURAL ERRORS. HE MADE TWO BASIC POINTS:
(1) THAT THE RIGHT OF THE IAHRC TO REQUEST PERMISSION TO
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MAKE ON-SITE INVESTIGATIONS WAS FUNDAMENTAL TO ITS
OPERATIONS AND THAT, WHILE MEXICO WAS NOT WILLING TO GIVE
THE IAHRC A CARTE BLANCHE, MEXICO WOULD NOT OBJECT TO A
RESOLUTION PROVIDING FOR VISITS TO COUNTRIES IN WHICH

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THERE HAD BEEN REPEATED AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS, AND (2) THAT, BY DEFINITION, TERRORISTS CANNOT VIOLATE HUMAN RIGHTS BECAUSE THAT TERM DESCRIBES THE RIGHTS OF THE INDIVIDUAL AGAINST THE STATE. DE LA COLINA ARGUED ELOQUENTLY THAT TERRORISM AND HUMAN RIGHTS HAD TO BE CONSIDERED SEPARATELY.

9. ALVAREZ THEN HAD AN OPPORTUNITY TO ANSWER THE QUESTIONS POSED BY AGUILAR. REGARDING AN IAHRC VISIT, HE SAID THE GOU WOULD CONSIDER THE MATTER WITH THE CARE WHICH THE REQUEST WARRANTED. WHILE HE SUGGESTED THAT THE IAHRC MAKE A FINAL REQUEST TO THE GOU, HE SAID HE WOULD RECOMMEND THAT THE GOU NOT ACCEDE TO THE REQUEST AND OFFERED HIS PERSONAL OPINION THAT THE GOU WOULD NEVER INVITE THE IAHRC TO VISIT.

10. THE SESSION CLOSED WITH A DISCUSSION OF THE MERIT OF HEARING THE REST OF THE IAHRC REPORT FROM CHARIMAN AGUILAR (WHO IS LEAVING SUNDAY) IN LIGHT OF THE LATE HOUR. IN SUPPORT OF ADJOURNMENT, A MEMBER OF THE ARTENTINE DELEGATION STATED THAT HE CONSIDERED IT TO BE A VIOLATION OF HIS HUMAN RIGHTS TO HAVE TO SIT IN A MEETING FOR MORE THAN FOUR HOURS. AMB MACHINE OF VENEZUELA, WHO HAS PROPOSED EXTENDING THE SESSION TO HEAR AGUILAR REPLIED THAT HE HOPED THE DELEGATE FROM ARTENTINA WOULD REMEMBER WHAT HE HAD JUST SAID WHEN CONSIDERING THE CASE OF DETAINEES FORCED TO STAND FOR 48 HOURS OR MORE. THE MEETING ADJOURNED AT 7:40 PM.

11. GENERAL COMMITTEE MEETING MORNING JUNE 18 COVERED A NUMBER OF ROUTINE AGENDA ITEMS. ONE OF THE MORE INTERESTING DEVELOPMENTS WAS THE SELECTION OF LA PAZ AS THE SITE FOR THE CONFIDENTIAL

8TH GA. BOLIVA OFFERED TO PAY EXCESS COSTS OVER HOLDING GA IN WASHINGTON. PANAMA SUGGESTED ADDING TO THE RESOLUTION PHRASE NOTING PRECEDENT SET BY BOLIVIAN OFFER TO PAY EXCESS COSTS, AND HIS SUGGESTION WAS ACCEPTED. THE GENERAL COMMITTEE ALSO APPROVED A DRAFT RESOLUTION CALLING FOR CONTINUED STUDY AND PREPARATION FOR A SPECIAL GA ON COOPERATION FOR DEVELOP-MENT. THERE WAS NO FLOOR DISCUSSION -- INDICATING LACK OF INTEREST. THE GENERAL COMMITTEE APPROVED TWO RESOLUTIONS ON THE STATUS OF WOMEN IN THE HEMISPHERE. ONE, PRESENTED BY THE US, AT THE REQUEST OF THE CHAIRMAN OF THE INTER-AMERICAN COMMISSION OF WOMEN (IACW) CALLS ON THE COUNTRIES TO IMPLEMENT THE REGIONAL PLAN OF ACTION. THE ORGANS OF THE OAS ARE TO INCLUDE IN THEIR ANNUAL REPORTS PROGRESS MADE ON ITS IMPLEMENTATION IN THEIR PROGRAMS. THE OTHER RESOLUTION, SPONSORED BY BOLIVA, CALLS FOR THE ESTABLISHMENT OF A FUND FOR NON-GOVERNMENTAL CONTRIBUTIONS. IT WOULD HELP PAY FOR IACW PROGRAMS.

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12. AT THE END OF NORNING SESSION, GRENADA OBLJECTED TO CALL
FOR CONVENING OF 1ST COMMITTEE FOR AFTERNOON, ARGUING THAT
THINGS WERE BEING RUSHED TOO MUCH, THERE WAS TOO LITTLE TIME
FOR SOCIALIZING, MEETING SHOULD LAST 10 DAYS AS AGREED, THAT
GRENADA WAS UNDER IMPRESSION NO MEETING SCHEDULED FOR
SATURDAY AFTERNOON, AND ALL LOCAL STAFF WORKING FOR OAS
BEEN GIVEN REST OF THE DAY OFF. SEVERAL DELEGATIONS SPOKE
OUT STRONGLY FOR HOLDING AFTERNOON SESSION AND CHAIR
RULED IT WOULD TAKE PLACE AS PLANNED.

13. COMMITTEE II NEARLY FINISHED ITS WORK JUNE 18. THE
RESOLUTION ON THE U.S. TRADE ACT (APPROVED UNANIMOUSLY)
IS PADDED BY TAKING NOTE OF DEVELOPMENTS AT LAST MONTH'S
SCCN MEETING IN BUENOS AIRES AND BY INCLUDING A PAGE OF
INSTRUCTIONS TO THE SCCN AND TO THE SECRETARIAT. THE FINAL
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PARAGRAPHS CONCERN THE IMPLEMENTATION OF THE ACT AND REITERATE
THAT THE SCCN CAN HELP INFORM MEMBER COUNTRIES
ON THE MULTILATERAL TRADE NEGOTIATIONS. THESE PORTIONS
WILL BE SENT SEPARATELY.

14. COLOMBIA SPONSORED A DECLARATION ON THE PRINCIPLE
OF COMPARATIVE ADVANTAGE THAT WAS TOO CATEGORIC FOR OUR
SUPPORT, AND THAT WE MANAGED TO DETACH FROM THE TRADE ACT
RESOLUTION. THE DECLARATION WAS THEN ADOPTED BY THE COMMITTEE
WITH THE US ABSTAINING. COMMITTEE ALSO UNANIMOUSLY TOOK
NOTE OF THE ANNUAL REPORT OF IA-ECOSOC.

15. REMAINING ITEMS ARE A URUGAUAYAN DRAFT RESOLUTION
ON THE OAS CAPITAL MARKETS TECHNICAL ASSISTANCE PROGRAM,
AND A MEXICAN PROPOSAL FOR ASTUDY OF THE EXTENT TO WHICH
THE SPECIAL COMMITTEE FOR CONSULTATION AND NEGOTIATION
(SCCN) HAS FULFILLED ITS MANDATE. FIRST RESOLUTION WILL
PRESENT NO PROBLEMS; SECOND IS AIMED AT GETTING SCCN INTO
INTERNATIONAL FINANCIAL MATTERS, WHICH WE DO NOT FAVOR,
BUT SINCE IT MERELY CALLS FOR A STUDY OF PAST SCCN ACTION,
WE CANNOT REASONABLY OBJECT AT THIS STAGE.
16. INTERESTINGLY, SURINAM ANNOUNCED THAT EVEN THOUGH THE
PREVIOUS DAY IT SUPPORTED RESOLUTION ON INTERNATIONAL FINANCIAL
INSTITUTIONS (INTENDED TO DIVORCE IFI'S AND HUMAN RIGHTS),
IT WILL ABSTAIN IN PLENARY SESSION. THAT MAKES FIVE SURE
ABSTENTIONS (US, VENEZUELA, JAMAICA, TRINIDAD, AND SURINAM)
AND ONE PROBABLE (BARBADOS). COSTA RICA, HOWEVER,
HAS DECLINED TO JOIN THE ABSTAINERS, AND COLOMBIA IS IN
FACT A CO-SPONSOR OF THE RESOLUTION.
MCGEE

UNQUOTE VANCE

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